

7-9-07

"Express Mail" mailing label number: EV 653878176 US

Date of Deposit: July 2, 2007

BRINKS  
HOFER  
GILSON  
& LIONE

DPW

Our File No. 9281-4692  
Client Reference No. N US02088

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kiyoshi Sato et al.

Serial No. 10/716,743

Filing Date: November 17, 2003

For: THIN FILM MAGNETIC HEAD HAVING  
TOROIDAL COIL

Examiner: Tianjie Chen

Art Unit: 2656

Mail Stop PTA  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

## TRANSMITTAL

## Attached are:

- ☒ Transmittal Letter (in duplicate); Request for Reconsideration of Patent Term Adjustment (in duplicate) with attached Appendix A and B.
- ☒ Return Receipt Postcard

## Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

7/2/07

Gustavo Siller, Jr. (Reg. No. 32,305)



Express Mail™ mailing label number: EV 653878176 US

Date of Deposit: July 2, 2007

Our Case No. 9281-4692  
Client's Reference No. N US02088

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Kiyoshi Sato

Serial No. 10/716,743

Filing Date: November 17, 2003

For: THIN FILM MAGNETIC HEAD HAVING  
TOROIDAL COIL

Examiner: Tianjie Chen

Group Art Unit No. 2627

**REQUEST FOR RECONSIDERATION OF  
PATENT TERM ADJUSTMENT**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Patent Application Information Retrieval (PAIR) system indicates a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of 504 days. A copy of the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History is attached as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 669 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The present application is not subject to a terminal disclaimer. In addition, there were no circumstances during the prosecution of the application resulting in the notice of allowance that constitute a failure of the Applicant to engage in reasonable efforts to

conclude processing or examination of the present application as set forth in 37 C.F.R. §1.704.

**Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)**

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) is the number of days in the period beginning on the day ("the 14 month date") after the date that is fourteen months after the date on which the application was filed pursuant to 35 U.S.C. § 111(a), or fulfilled the requirements pursuant to 35 U.S.C. § 371, and ending on the date of mailing or either an action pursuant to 35 U.S.C. § 132 or a notice of allowance pursuant to 35 U.S.C. § 151, whichever comes first.

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 504 days.

**Period of adjustment pursuant to 37 C.F.R. § 1.703(b)**

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on November 17, 2003. The 3 year date specified in 37 C.F.R. § 1.703(b) is November 17, 2006. The PTO issued a patent for the present application on May 1, 2007. The difference between the 3 year date and the date of issue of the patent is 165 days. A copy of the first page of the issued patent is attached as Exhibit B.

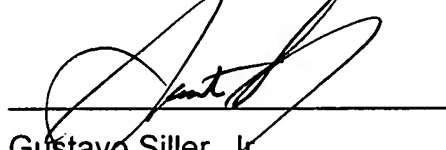
**Total Patent Term Adjustment**

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we

believe that the patent term adjustment should be at least 504 days + 165 days = 669 days.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark Office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gustavo Siller, Jr.', is written over a horizontal line.

Gustavo Siller, Jr.  
Registration No. 32,305  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

## **Appendix A**

10/716,743 THIN FILM MAGNETIC HEAD HAVING TOROIDAL COIL

06-26-  
2007::15:09:35**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/716,743

Filing or 371(c) Date:	11-17-2003	USPTO Delay (PTO) Delay (days):	504
Issue Date of Patent:	05-01-2007	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	0
Post-Issue Petitions (days):	+0	Total PTA (days):	504
USPTO Adjustment(days):	+0	Explanation Of Calculations	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
04-11-2007	PTA 36 Months		
05-01-2007	Patent Issue Date Used in PTA Calculation		
03-30-2007	Dispatch to FDC		
03-29-2007	Application Is Considered Ready for Issue		
03-28-2007	Issue Fee Payment Verified		
03-28-2007	Issue Fee Payment Received		
03-23-2007	Mail Miscellaneous Communication to Applicant		
03-19-2007	Miscellaneous Communication to Applicant - No Action Count		
01-05-2007	Mail Notice of Allowance		
01-04-2007	Notice of Allowance Data Verification Completed		
10-03-2006	Information Disclosure Statement considered		
12-20-2006	Date Forwarded to Examiner		
12-05-2006	Response after Non-Final Action		
10-03-2006	Reference capture on IDS		
10-03-2006	Information Disclosure Statement (IDS) Filed		
10-03-2006	Miscellaneous Incoming Letter		
09-15-2006	Mail Non-Final Rejection		
09-13-2006	Non-Final Rejection		
06-05-2006	Information Disclosure Statement considered		
03-03-2006	Miscellaneous Incoming Letter		
07-06-2006	Date Forwarded to Examiner		
07-05-2006	Response to Election / Restriction Filed		
06-05-2006	Information Disclosure Statement (IDS) Filed		
06-05-2006	Mail Restriction Requirement	504	
06-02-2006	Requirement for Restriction / Election	↑	
11-17-2003	Information Disclosure Statement considered	↑	
03-21-2006	Case Docketed to Examiner in GAU	↑	
12-01-2005	Case Docketed to Examiner in GAU	↑	
07-31-2005	Case Docketed to Examiner in GAU	↑	
07-12-2004	IFW TSS Processing by Tech Center Complete	↑	
11-17-2003	Request for Foreign Priority (Priority Papers May Be Included)	↑	
11-17-2003	Reference capture on IDS	↑	

11-17-2003	Information Disclosure Statement (IDS) Filed	↑
11-17-2003	Claims PTO	↑
11-17-2003	Preliminary Amendment	↑
07-07-2004	Case Docketed to Examiner in GAU	↑
02-17-2004	Application Return from OIPE	↑
02-17-2004	Application Return TO OIPE	↑
02-17-2004	Application Dispatched from OIPE	↑
02-18-2004	Application Is Now Complete	↑
02-03-2004	Cleared by OIPE CSR	↑
12-24-2003	IFW Scan & PACR Auto Security Review	↑
11-17-2003	Initial Exam Team nn	↑

---

**Close Window**

## **Appendix B**